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E. Spieker, Jr., et al.

9
10 UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 JOEL BENOLIEL, GREGG R. DAUGHERTY,
BRUCE E. HOSFORD, and DONALD S.
14 JEFFERSON,

15 Plaintiffs/Petitioners,

16 v.

17 BLACKHAWK PARENT LLC, a Delaware limited
liability company, and EOP OPERATING
18 LIMITED PARTNERSHIP, a Delaware limited
partnership,

19 Defendants/Respondents.
20
21
22

Case No. C 07-03001-RMW

**JOINT STIPULATION
[PROPOSED] ORDER
CONTINUING HEARING ON
THE FIRST AMENDED
PETITION TO COMPEL
ARBITRATION**

***Prior Hearing Date: August 31,
2007***

***New Hearing Date: September 28,
2007***

1 Pursuant to Civil Local Rules 6-1(b), 6-2, 7-7(b) and 7-12 of the Federal District
2 for the Northern District of California, Plaintiffs/Petitioners Joel Benoliel, Gregg R. Daugherty,
3 Bruce E. Hosford, and Donald S. Jefferson (collectively, "Petitioners"), by and through their
4 respective counsel, submit this Joint Stipulation and Proposed Order Changing Time concerning
5 Petitioners' pending First Amended Petition to Compel Arbitration (the "Amended Petition")
6 scheduled to be heard August 31, 2007 (the "Hearing").

7 WHEREAS, Petitioners filed the Amended Petition on July 27, 2007;

8 WHEREAS, Respondents filed a Memorandum of Points and Authorities in
9 Opposition to the Amended Petition (the "Opposition") on August 10, 2007;

10 WHEREAS, Petitioners filed a Reply in Support of the Amended Petition on
11 August 17, 2007;

12 WHEREAS, the Hearing on the First Amended Petition is set for August 31, 2007
13 at 9:00 a.m.;

14 WHEREAS, the parties are in discussions directed toward reaching a negotiated
15 resolution of the Amended Petition;

16 WHEREAS, the parties agree to continue the Hearing until September 28, 2007;
17 and

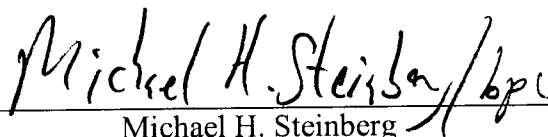
18 WHEREAS, the parties agree that this Stipulation does not waive any of the rights
19 or defenses available to either party, and that each party reserves its rights to assert any and all
20 rights and defenses in the future and to provide further papers updating the Court and providing
21 any further developments;

22 NOW THEREFORE THE PARTIES JOINTLY REQUEST THE FOLLOWING:

23 Subject to the Court's approval, pursuant to Civil Local Rules 6-1, 6-2, 7-7(b) and
24 7-12 of the Federal District Court for the Northern District of California, that the Hearing be
25 continued to 9 a.m. on Friday, September 28, 2007.

1 Dated: August 24, 2007

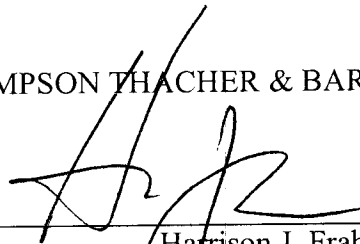
SULLIVAN & CROMWELL LLP

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3 Michael H. Steinberg
4 Attorneys for Plaintiffs/Petitioners
5 JOEL BENOLIEL, et al.

6 Dated: August 24, 2007

SIMPSON THACHER & BARTLETT LLP

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8 Harrison J. Frahn IV
9 Attorneys for Defendants/Respondents
10 BLACKHAWK PARENT LLC and EOP
11 OPERATING LIMITED PARTNERSHIP

12 PURSUANT TO STIPULATION, IT IS SO ORDERED.

13 Dated: _____, 2007

14 By _____

15 The Honorable Ronald M. Whyte
16 United States District Judge